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April 6, 1955
Opinion No. 55-74

REQUESTED BY: Dr. Paul H. Bennett, Arizona State
Board of Dental Examiners
1541 N. Tucson Boulevard
Tucson, Arizona

OPINION BY: ROBERT MORRISON, The Attorney General
Norman E. Green, Assistant Attorney General

QUESTION: Can the Arizona State Board of Dental Examiners permit a candidate for a license to practice dentistry in Arizona to take the dental examination before he graduates from a recognized dental school?

CONCLUSION: To be eligible for admission to the dental examination given by the Arizona State Board of Dental Examiners, a candidate for a license to practice dentistry must be a graduate of a recognized dental school.

Section 67-918, A.C.A. 1939, as amended, entitled, "Eligibility for Examination" reads as follows, in part:

"To be eligible for examination, a candidate for a license to practice dentistry must be * * * the holder of a diploma issued to him by a recognized dental school * * *, * * * Any such candidate shall make written application to the secretary and accompany the same with examination fee * * *." (Emphasis supplied)

It is to be noted from the above underlined words that the statute involved makes it mandatory that a candidate for a license to practice dentistry, to be eligible for examination, must be the holder of a diploma issued to him by a recognized dental school. Since the statute refers to eligibility for examination, and not eligibility for application, to take the examination, it is the opinion of this office that a person who has not yet graduated from a recognized dental school may be allowed to make a preliminary application to the Secretary of the Arizona State Board of Dental Examiners to take the next examination, and upon his graduation from such dental school, complete his preliminary application, to be eligible for the examination. A candidate who has graduated

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even one day before the giving of the examination would, therefore, be eligible for such examination; but, by the express terms of the above quoted statute, no candidate for a license to practice dentistry in the State of Arizona may be eligible for admission to the examination itself, until such time as he has graduated from a recognized dental school.

Under the provisions of Section 67-910, A.C.A., 1939, as amended, describing the powers and duties of the board, provision is made whereby the Board of Dental Examiners is given the authority to make rules and regulations consistent with the Dentistry Act, for the regulation of its own conduct, in the holding of examinations, and it is further given the power to pass upon the eligibility of applicants for examination. Under such authority, it would be proper for the Board to promulgate a rule, whereby an undergraduate of a recognized dental school could make a preliminary application for taking the dental examination and, upon his graduation, he could complete his application and be eligible for such examination.

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